REMARKS

A.) The Section 102 Rejections

Initially, Applicant notes that the Office Action states that "Claim [sic] 1-12" are rejected under 35 U.S.C. §102(e). Applicant believes the Office Action intended to say that --claims 1-52-- were rejected under 35 U.S.C. §102(e).

Applicant has prepared the following response with this understanding.

Claims 1-52 were rejected under 35 U.S.C. §102(e) as being anticipated by Klug, U.S. Patent No. 6,591,245 ("Klug"). Applicant respectfully disagrees and traverses this rejection for at least the following reasons.

Applicant has revised the claims to more particularly point out that the inventions are aimed at providing personalized notifications about an "event" that "a user is participating in" and that the personalized notification received by the user is one that concerns the "user's participation in the" event.

In contrast, Klug is wholly unconcerned with sending a notification to a user about an event that a user is already participating in. Instead, Klug is directed at sending notifications to a user about events a user may be interested in participating in, but is not now participating in.

In fact, for the most part, Klug is wholly unrelated to events. It is mostly related to sending notifications about upcoming television programs and content to a user. Applicant respectfully submits that Klug's "event announcements" are not equated to, and are not suggestive of, personalized notifications concerning a user's participation in an event.

Applicant also submits that Klug does not disclose or suggest the comparison of personal information and administrative information related to an event a user is participating in, as in the claims of the present invention.

In sum, because Klug does not disclose each feature of claims 1-52, Klug cannot anticipate claims 1-52 of the present invention.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-52.

B.) The Section 103 Rejections

Claims 2, 18-19, 21, 33-34, 36 and 48-49 were rejected under 35 U.S.C. §103(a) as being unpatentable over Klug and in further view of Thomas, U.S. Patent Publication No. US2001/0036853 ("Thomas"). Further, claims 3-5, 22-24 and 37-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Klug and in further view of Official Notice taken by the Examiner. Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Initially, Applicant notes that all of these claims depend on either independent claims 1, 20 or 35 and are therefore patentable over a combination of Klug, taken separately or in combination with Thomas or Official Notice taken by the Examiner, for the reasons stated above.

More particularly, neither Thomas nor the Examiner's Official Notice discloses or suggests the comparison of personal information and

administrative information related to an event a user is participating in as is required by claims 2, 18-19, 21, 33-34, 36 and 48-49.

In addition, the §103 rejections of claims 2-5, 21-24 and 36-39 are insufficient for at least the following reasons.

(i) Claims 2, 21 and 36

With respect to claims 2, 21 and 36, the Office Action notes that Klug does not explicitly teach that the "event" the user is participating in "is a lottery." The Office Action then goes on to rely on Thomas to overcome this deficiency in Klug.

Applicant respectfully submits that the combination of Klug and Thomas does not suggest the comparison of personal information and administrative information related to an event a user is participating in, where the event is a lottery, and does not disclose or suggest the sending of a personalized notification to the user concerning the user's participation in the lottery, as required by claims 2, 21 and 36.

Instead of providing a personalized notification to a user concerning the user's participation in a lottery as required by claims 2, 21 and 36, Thomas provides an *en masse* notification to all users. That is, Thomas does not provide a personalized notification concerning a particular user's participation in an event. Thomas is wholly unconcerned with how the results affect a particular user; instead, Thomas is only concerned with providing all users who are participating in a lottery with the results of the lottery.

Applicant also submits that Thomas is mostly concerned with an interactive wagering system where users can place bets using televised video feeds. Providing an individual user with a personalized notification is not disclosed or even suggested in Thomas.

For the reasons stated above, it is respectfully submitted that claims 2, 21 and 36 would not have been obvious to one of ordinary skill in the art upon reading the disclosures of Klug and Thomas at the time the present application was filed.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 2, 21 and 36.

ii. Claims 3-5, 22-24 and 37-39

Claims 3-5, 22, 24 and 37-39 specify that the "event" comprises either a sports or entertainment event (claims 3, 22, and 37) an educational event (claims 4, 23 and 38), or an exam (claims 5, 24 and 39).

With respect to claims 3-5, 22-24 and 37-39, the Office Action admits that Klug does not explicitly teach the event is a "sport or entertainment, educational or exam [sic]." Nonetheless, the Office Action then goes on to rely on the Examiner's Official Notice to overcome these deficiencies in Klug. Applicant respectfully submits that this is improper for at least the following reasons.

Initially, Applicant notes that none of the references or any other evidence made of record by the Examiner support the Examiner's assertion of Official Notice (see MPEP 2144.03, Part B).

Second, Applicant submits that Official Notice is not proper here because the facts assumed to be well known, or to be common knowledge in the art, i.e., the sending of a personalized notification to a user regarding an entertainment or sports event, educational events or exam a user is participating in, are not capable of instant and unquestionable demonstration as being well known (see MPEP 2144.03, Part A). Said another way, Applicant is unaware of any apparatus or method which provides for such a personalized notification that predates the filing of the present patent application, and the Examiner has not discovered any patent or patent application which discloses or suggests such an apparatus or method. This fact, in and of itself, demonstrates that the claimed inventions are not capable of instant and unquestionable demonstration as being well known.

Applicant respectfully requests that the Examiner produce some evidence or authority for his reliance on Official Notice to reject these claims.

Applicant respectfully submits that the Examiner's reliance on Official Notice is tantamount to an impermissible conclusionary statement which has been held to be an insufficient basis to reject claims (see MPEP 2144.03, Part A).

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 3-5, 22-24, and 37-39.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By _____

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